

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BRIAN HUDDLESTON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION No. 4:20CV00447
)	
FEDERAL BUREAU OF)	JUDGE AMOS MAZZANT
INVESTIGATION and)	
UNITED STATES)	
DEPARTMENT OF JUSTICE,)	
)	
Defendants.)	

IN CAMERA, EX PARTE DECLARATION OF DAVID J. GORMAN

I, David J. Gorman, declare as follows:

1. I am an Assistant United States Attorney (AUSA) and currently serving as the Chief of the Homicide Section, Superior Court Division, at the United States Attorney's Office for the District of Columbia (USAO-DC). I have been an AUSA in the USAO-DC since 1998 and the Chief of the Homicide Section since August 2018.
2. This declaration is in support of the Defendant's Motion for Clarification and/or Reconsideration of the Court's Memorandum Opinion and Order dated September 29, 2022, wherein the Court 1) Granted in part and Denied in Part Defendant's Motion for Summary Judgment; 2) Granted in Part and Denied in Part Plaintiff's Cross Motion for Summary Judgment; and 3) Ordered the Government to produce the information it possesses related to Seth Rich's laptop within 14 days of the date of the Order.
3. This *in camera, ex parte* declaration relates to and contains information about a pending [REDACTED] investigation into the homicide of Seth Rich, who was shot and

killed on July 10, 2016, in the 2100 block of Flagler Place, Northwest, Washington, D.C. Mr. Rich died by gunshot during what is believed to be a botched robbery in the early morning hours of July 10, 2016. At the time, Mr. Rich was walking alone to his home in D.C.

4. The D.C. Metropolitan Police Department (MPD) has jurisdiction over homicides in the District of Columbia and immediately began to investigate the homicide, as the lead law enforcement agency. The investigation was assigned to Detective [REDACTED]. Detective [REDACTED] subsequently transferred to another division within MPD and the investigation was reassigned to Detective [REDACTED]. Detective [REDACTED] retired from MPD in 2021. The MPD investigation has since been reassigned to Detective [REDACTED].

5. On or about July 12, 2016, [REDACTED] investigation was opened and assigned to AUSA [REDACTED], who was an AUSA in the USAO-DC Homicide Section. The [REDACTED] investigation was later reassigned to AUSA [REDACTED], also assigned to the USAO-DC Homicide Section. Both AUSA [REDACTED] and AUSA [REDACTED] have left government service, with AUSA [REDACTED] retiring from the government in 2018. The [REDACTED] investigation was then reassigned to USAO-DC Homicide AUSA [REDACTED].

6. In early 2019, AUSA [REDACTED] and the [REDACTED] investigation made specific strides toward identifying the suspect(s) involved in Mr. Rich's murder. Several investigative steps were taken during that time and through the middle of 2019. The investigation slowed somewhat during the latter part of 2019, but activity was expected to increase in the first half of 2020. Unfortunately, as a result of the pandemic, [REDACTED] [REDACTED]. Like most other [REDACTED] homicide investigations, this matter stalled.

7. With the resumption of [REDACTED] matters in D.C. Superior Court, AUSA [REDACTED] re-initiated this and other [REDACTED] investigations. While slower-moving, the [REDACTED] investigation in this case is still active.

8. AUSA [REDACTED] is presently in a multi-defendant homicide trial in D.C. Superior Court that began in early September and is expected to conclude in mid-to-late November.

9. On September 30, 2022, AUSA [REDACTED] received an e-mail from the family of Seth Rich, informing him of this Court's Order that Seth Rich's computer be turned over in 14 days. AUSA [REDACTED] forwarded the email to me. Prior to that notification from the Rich family, neither AUSA [REDACTED] nor myself were aware of the litigation in this matter.

10. On October 5, 2022, I contacted AUSA [REDACTED], who was recently appointed as Chief of the [REDACTED]. AUSA [REDACTED] also had no knowledge of the pending litigation in this matter.

11. AUSA [REDACTED] then contacted the United States Attorney's Office the Eastern District of Texas (USAO-EDTX) and was connected to the assigned USAO-EDTX Civil Division AUSA.

12. During the course of the criminal investigation, a significant number of allegations were made online (and through other methods), that Seth Rich was murdered as a result of his working for the Democratic National Committee (DNC). Further, some allegations were made that Mr. Rich was murdered as a part of a larger conspiracy – well beyond any botched robbery. Without recounting or addressing each allegation in this declaration, it does not appear that Mr. Rich's murder is part of any conspiracy larger than the attempted robbery.

13. As with other items of evidence in this case, Seth Rich's laptop computer is important to the [REDACTED] investigation for what it contains and for what it does not contain. Any public release of the contents of the computer will have a significant and negative impact on the [REDACTED]

■■■■ investigation and the future prosecution of any suspects. As a result, I am asserting FOIA Exemption 7(A) to withhold in full the compact disc containing images of Seth Rich's personal computer.

14. If necessary, we are prepared to provide additional information to the Court concerning the ■■■■ investigation.

Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of October, 2022.



DAVID J. GORMAN
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